

office petition

DAC IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Toru Hosoi

Serial No.: 09/892,500

Group Art Unit: 2882

Filed: June 28, 2001

Examiner: Suchecki, Krystyna

For: ARRAYED WAVEGUIDE GRATING AND OPTICAL COMMUNICATION
SYSTEM USING ARRAYED WAVEGUIDE GRATING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
BOX CAC

**PETITION TO WITHDRAW FROM ALLOWANCE/ISSUE
UNDER 37 C.F.R. §1.313(c)**

Sir:

Subsequent to the Notice of Allowance of this Application dated July 28, 2004,
Applicant hereby **PETITIONS FOR WITHDRAWAL FROM ALLOWANCE/ISSUE**
this application prior to the issue date.

Pursuant to MPEP Section 1308, Applicant respectfully files a Petition to Withdraw
from Allowance/Issue under 37 C.F.R. §1.313(c)(2), to have this Application withdrawn from
allowance/issue and seeks continuing prosecution through the filing of the attached Request
for Continued Examination under 37 C.F.R. §1.114.

Applicant in good faith and for sufficient reasons contends that withdrawal is
necessary as Applicant has received an Office Action dated February 17, 2004, issued by the
Japanese Patent Office in the corresponding Japanese patent application. Submitted herewith,
along with this Petition, is a Request for Continued Examination (R.C.E.) and an Information
Disclosure Statement which includes the Japanese Office Action with partial English
translation and the cited references.

Also included with this submission is a check in the amount of \$900.00, which
includes the following fees: \$130.00 Petition Fee pursuant to 37 C.F.R. §1.17(h) and \$770.00
Request for Examination Fee pursuant to 37 C.F.R. §1.178(e).

Should the Office of Petitions find the Petition to be other than in condition for
approval, the Office of Petitions is requested to contact the undersigned at a local telephone

09/10/2004 SDENB01 00000044 09892500

02 FC:1460

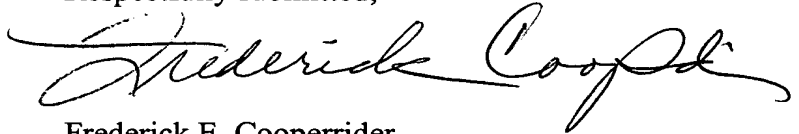
130.00-0P

Serial No. 09/892,500
Docket No. PNDF-01095

number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is authorized charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,



Frederick E. Cooperrider
Registration No. 36,769

Date: 9/9/04

McGinn & Gibb, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254